



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

RICHARD L. BRODSKY

Westchester County

CHAIRMAN  
Committee on  
Corporations, Authorities and Commissions

April 13, 2007

VIA ELECTRONIC & FIRST CLASS MAIL

Hon. Jaclyn A. Brillong, Secretary  
Public Service Commission  
Agency Building 3 - ESP  
Albany, NY 12223

Dear Ms. Brillong:

We are in receipt of the letter from Consolidated Edison dated April 5, 2007, which seeks to create an informal negotiated proceeding rather than to proceed with a formal Prudence Hearing. We strongly object to such a process. In September of 2006, we brought before the commission a formal petition seeking a courtesy review of the actions of the company with respect to both the Queens and Westchester outages. For reasons that remain obscure, the commission has refused to take action on that petition. The commission's inaction is even more astoundingly inexplicable, given that commission staff now seeks such a proceeding

Many of us have participated in these informal, alternative, negotiated processes in earlier examples of company malfeasance. In our experience they are secretive, largely determined by private discussions between the company and commission staff, and leave substantial matters unexamined, unproven, and inaccessible to the affected public. They resemble, in short, an insurance settlement negotiation in which the fundamental issues on the amount of money to be paid are withheld by the company.

This kind of process is particularly inappropriate when many of the most important matters to be determined are not financial, but go to the competence, quality and extent of company systems operation.

In sum, the public interest is not served by engaging in a secretive process in which the fundamental problems faced by the company and its systems are not addressed.

We also note that the company's application does not contain any request for an alternative negotiated proceeding with respect to the Westchester outage.

We continue to ask for and expect that the commission will take action on the September petition and that the company's attempt to evade an open and transparent regulatory process will fail.

Best wishes,

A handwritten signature in black ink that reads "Richard L. Brodsky".

Richard L. Brodsky

cc: Active Parties